

REMARKS

Claims 17-25 are pending in the present application and stand rejected. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claim 22 stands objected, and has been amended accordingly. Withdrawal of the claim objections is respectfully requested.

Claims 17, 20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bienvenu et al. (U.S. Patent No. 6,526,438) (hereinafter "Bienvenu") by Knaft et al. (U.S. Patent No. 6,654,754) (hereinafter "Knaft").

Claims 18, 19 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bienvenu and Knaft, and further in view of Wygarden (U.S. Patent No. 6,694,365).

Claims 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bienvenu and Knaft, and further in view of Weil et al. (U.S. Patent No. 6,907,423). The rejections are respectfully traversed.

Regarding claim 17, the Examiner makes no distinction between "subscriber information" with "full unrestricted access to an information site" and "partial subscriber information" with "partially restricted access to the information site" as claimed. Col. 5, lines 55-65 of Bienvenu describe only one type of subscriber who is under a Publisher Subscriber Agreement.

The Examiner cites col. 5 lines 20-30 of Bienvenu as teaching "metadata describing the subscriber information for a non-paying non-subscriber." The recited portion of Bienvenu does not teach the use of metadata whatsoever. It should be noted that Bienvenu uses the term metadata in another context in col. 7, lines 12-14. Therefore, it

can be surmised that the omission of the term metadata in col. 7, lines 12-14 of Bienvenu is intentional.

Without regard that Bienvenu is *entirely unrelated* to search engines, the Examiner attempts to combine Bienvenu with the search engine teachings of Knauff. The Examiner attempts to piece together disparate teachings from two different references with the benefit of impermissible hindsight. Indeed, Bienvenu teaches *away* from the use of search engines and metadata. Column 7, lines 12-14 of Bienvenu, state that “[v]ery rarely will publishers register this information with search engines, or supply meta describing the contents of the document.” This statement makes logical sense considering the kinds of business and enterprise-related information Bienvenu intends to distribute to subscribers. Column 1, lines 18-24 of Bienvenu state the following:

Examples of information to be gathered and integrated by the knowledge worker in a meaningful fashion include *business and financial information on other companies or enterprises in the selected field, prices and price movements, new discoveries and methods, rules and regulations of regulatory authorities, spot information items, tabular economic data, and historical financial data.*

Nowhere does Bienvenu teach that the use of search engines and metadata become permissible for its invention. Of course, it simply would not make logical sense for such proprietary business and enterprise-related information to be open for publicly-accessible search engine robots.

The Examiner cites Fig. 1, #30 of Bienvenu, which refers to the IPSDCC, as teaching a “a transmission source determiner, for receiving an access request to the data manager from a transmission source, and for determining whether the transmission source is one of the first set of subscribers, the second set of subscribers, the non-subscriber, or the search engine robot.” However, from viewing Fig. 1 of Bienvenu, #30 appears to bear no decision-making ability from determining whether information is from #16, who are

the open subscribers, and #26, who are the restricted subscribers. Indeed, #30 has only one single output which goes into #40. The Examiner's argument that #30 of Bienvenu teaches the claimed transmission source determiner is speculative at best and is not even supported by the cited figure of Bienvenu.

It should again be noted that Bienvenu teaches *away* from the IPSDCC supplying metadata. Thus, it does not make logical sense that #30 would determine whether the transmission source is a search engine robot for supplying information to the search engine.

The Examiner attempts to argue that "wherein metadata comprises a textual description of the subscriber information, a keyword related to the textual description for preparing a search engine keyword index, and subscription information describing how to join at least one of the first set of paid subscribers or the second set of paid subscribers," when viewed in a vacuum, is non-functional descriptive material. Applicants respectfully disagree. Non-functional descriptive material is generally reserved for music, literary works and a compilation or mere arrangement of data, none of which apply to the present claims. In claim 17, the metadata is tangibly embodied in a data manager. A response unit transmits the metadata to a transmission source, if the transmission source is determined to be one of the non-paying non-subscriber or the search engine robot. The metadata provides information to the non-subscriber and the search engine robot separate from the information the first or the second set of paid subscribers would have access to. Clearly, a specific functional relationship exists between the metadata and the system.

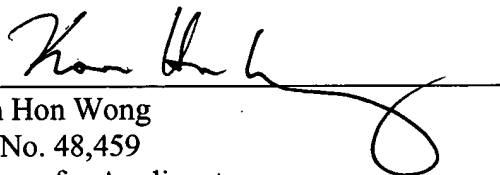
The above arguments apply, at least in part, to independent claims 20 and 22-25.

Accordingly, independent claims 17, 20, 22, 23, 24, and 25 are believed to be patentably distinguishable over Bienvenu and Knauff. Dependent claims 18, 19 and 21 are believed to be allowable for at least the reasons at least the reasons given for the independent claims. Withdrawal of the claim rejections under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

Respectfully submitted,

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